



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 10, 2008
AGENDA DATE: November 19, 2008
PROJECT ADDRESS: 416-424 E. Cota Street (MST2008-00097)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Betsy Teeter, Planning Technician II *BT*

I. PROJECT DESCRIPTION

The project consists of a proposal to demolish two one story commercial buildings totaling 20,450 SF and associated paved areas on a 39,603 square foot property and construct a three story affordable apartment complex. As proposed, the project would include 55 studio units and 1 two bedroom unit, a 13,218 SF on grade parking garage, a community room and auxiliary uses such as laundry and utilities. The 55 studio units would be designated as very low income affordable rentals and the two bedroom unit would serve as the manager's residence. The applicant is also proposing a voluntary lot merger of the three existing lots to create one legal lot. Access to the site would be provided by a driveway from Olive Street, which would also include an easement for access to the adjacent parcel (APN 031-212-028).

The discretionary applications required for this project are:

1. Modification of the lot area requirements to allow 32 over-density units (bonus density) on a lot in the C-2 Zone (SBMC §28.21.080);
2. Modification to allow the garage and a second story deck to encroach into the interior yard setback (SBMC §28.21.060); and
3. Modification to allow a the entry sign tower and two (2) third floor units to encroach into the front setback (SBMC §28.21.060); and
4. Modification to allow a second story deck to encroach into the rear yard setback (SBMC §28.21.060); and
5. Modification to provide forty (40) parking spaces instead of the required seventy-four (74) parking spaces (SBMC §28.90.100)

Date Application Accepted: September 11, 2008 Date Action Required: December 11, 2008

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project making the findings in Section VIII and subject to the Conditions of Approval in Exhibit A.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	CP+MW:jv	Property Owner:	Housing Authority of the City of Santa Barbara
Parcel Number:	031-212-24,27 & 29	Lot Area:	39, 603 sf
General Plan:	Offices and Commercial	Zoning:	C-M
Existing Use:	Commercial	Topography:	Flat

Adjacent Land Uses:

North – Commercial	East – Commercial and Residential
South – Commercial	West – Commercial

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	20,450 sf	26,646 sf
Garage	0 sf	13,218 sf
Accessory Space	0 sf	0 sf

C. PROPOSED LOT AREA COVERAGE

Building: 20,022 sf; 50% Hardscape: 14,341 sf; 36% Landscape: 5,240 sf; 14%

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks		None	
-Front	10' - 1st & 2 nd / 20' – 3rd		10'-1 st & 2 nd / 15'-3 rd
-Interior	6'-1st & 2nd / 10'- 3rd		Varies from 5'1" to 6' 1 st & 2 nd 10'-3 rd
-Rear	6'-1st & 2nd / 10'- 3rd		6'-1 st /Varies from 5'1" to 6'- 2 nd 10'- 3rd

Building Height	3 stories/60 feet	1 story- 18'	3 stories/40 feet
Parking	74 spaces	32 spaces	40 spaces
Lot Area Required for Each Unit (Variable Density)	1,640 square feet - studio 2,320 square feet- 2 bdrm	N/A	55 – studios 406 s.f. 1– 2 bedroom 1,364 s.f. Total - 28,646 s.f. 103 units/acre
15% Open Space	5,940 square feet	N/A	7,617 square feet

V. OTHER REVIEW:

A. DESIGN REVIEW

The Architectural Board of Review (ABR) reviewed the project on two occasions and expressed support of the design of the project as well as support of the modifications (see Exhibit D – ABR Minutes).

VI. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for a Categorical Exemption per CEQA Guidelines §15332, which provides for in-fill development projects in urban areas where it is determined that there will be no significant effects as identified by the criteria listed in Exhibit E.

VII. ISSUES

Staff has determined that the project conforms with the General Plan elements as discussed in attached Exhibit F.

ZONING ORDINANCE CONSISTENCY

As stated under the project description section of this report, the project requires four modifications for lot area, parking, and setbacks. In order for the Planning Commission to approve modifications of yard, lot and floor area regulations, it must be found that the modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to (i) secure an appropriate improvement on a lot, or (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement or (iv) construct a housing development which is affordable to very low- low-, moderate-, or middle-income households. Additionally, in order to approve a modification of the parking or loading requirements, it must be found that the modification will not be inconsistent with the purposes and intent of the Zoning Ordinance and that it will not cause an increase in the demand for parking space or loading space in the immediate area.

Lot Area Modification

The project site has a General Plan Land Use Designation of General Commerce and a Zoning Designation of C-M, Commercial/Manufacturing. The project site measures 39,603 square feet in area. Based on the lot size, 23 studio units and 1 two-bedroom manager's unit would be allowed utilizing variable density. Under the variable density provisions, the proposed project, which would be comprised of 55 studio units and 1 two-bedroom managers' unit, would require 90,320 square feet of lot area. The applicant is requesting a lot area modification to allow 32 bonus density units (135% increase or 103 dwelling units per acre).

Staff understands that this project is different than the typical rental projects that build out to variable density standards, because the proposed project will provide housing for affordable to very low-income households. Staff believes that though the project will necessitate a significantly higher density modification than many other affordable residential projects, the requested bonus density is necessary in order to construct a housing development which will provide the greatest feasible number of units on the site for the targeted residency. Staff is supportive of the proposed lot area modification because the Zoning Ordinance contains a specific modification finding for affordable housing and the proposed development, through the Housing Authority, will comply with the City's affordable housing program. Therefore, the lot area modification findings can be made.

Parking Modification

Based on SBMC §28.90.100.G.3.f, one parking space is required for every low income dwelling. This would require 55 spaces for the studio units, 1 space for the manager's unit, and 14 guest parking spaces for a total of 79 required parking spaces. The applicant is proposing 40 parking spaces.

The modification to allow residential development without providing the required on-site parking would be consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in the demand for parking space or loading space in the immediate area because: (1) The project is an affordable project administered by the Housing Authority of the City of Santa Barbara and will have restricted vehicle ownership through lease agreements with tenants; (2) the project is located in the downtown area and is within walking and cycling distance of many services and places of employment; (3) the provision of bicycle storage on site; and (4) a bus stop and the transit center are within walking distance from the project site.

The Housing Authority provided a parking survey which indicates that the existing business on the project site generates more vehicle trips than the proposed project. The Housing Authority has successfully limited tenant vehicle ownership for several similar projects by implementing a monitoring program which includes access to DMV records and on site observations. Residents who choose to own cars and require a parking space on site will be required to pay a parking fee resulting in higher monthly rent. The proposed project would provide enough parking to meet the demands of its tenants and guests.

A total of 24 bicycle spaces for residents and 6 spaces for guests would also be provided on site. The proximity of the site to multiple bike routes, and the probability that most tenants would work downtown would provide incentives for bicycling. Public transit would also be

easily accessible to tenants. A bus stop for the MTD Crosstown Route is located directly adjacent to and across the street from the project site. In addition, the MTD Transit Center is located approximately one-half mile from the project site. Given that most tenants would not own cars and would work downtown, and that all tenants would live within one-half mile of the transit center, it is anticipated that bus ridership would be very high. The Housing Authority is also proposing to implement vehicle limitations in the lease agreements which give priority to applicants without cars. This policy would be enforced using Department of Motor Vehicle checks to confirm that the potential tenant applicants do not have cars. With the above factors, Staff believes that the Staff Hearing Officer could make the required findings and approve the parking modification. Staff has conditioned that the Housing Authority implement a management program that would insure efficient use of the limited available parking on site, as well as to ensure that on-street parking will not be adversely impacted.

Setback Modifications

Western Interior Yard – The interior yard setbacks are six feet (6') for the first and second stories and 10' for the third story. Two elements of the project would encroach into the eastern interior yard setback. The ground floor garage and the second floor roof deck encroach approximately one (1') foot into the 6' interior yard setback. The encroachments do not provide any additional habitable space within the setback which staff supports.

Front Yard – The required front yard setbacks for this project are 10 feet (10') for the first and second stories and twenty (20') for the third story. The three story entry tower and two (2) of the third floor units will encroach into the required front setbacks. The tower is a minor encroachment of an architectural element and the encroachment of the two (2) 3rd floor units into the front setback will allow for the courtyard/open space area to remain open and sunny.

Rear Yard Setback – The interior yard setbacks are six feet (6') for the first and second stories and 10' for the third story. The second story roof deck would encroach approximately one (1') foot into the 6' interior rear setback. It is staff's belief that the deck will have no impact on adjacent tenants as there are no residential units immediately adjacent to the project site. Further, the encroachments do not provide any additional habitable space within the setback which staff supports.

While the units are close to the property lines, the encroachments allow for a larger, open courtyard in the interior of the site. The property owner also realizes that the property owners to the west and east of the site have the potential to put commercial buildings right up to the property lines. Staff supports the requested modifications for the interior, rear and front setbacks as consistent with the purpose and intent of the Zoning Ordinance and would result in an appropriate improvement for the affordable housing project.

VIII. RECOMMENDATION/FINDINGS

The proposed project is consistent with the Zoning Ordinance and General Plan and complies with applicable standards governing new residential development. Therefore, staff recommends that the Staff Hearing Officer make the following findings and approve the project subject to the attached Conditions of Approval (Exhibit A):

A. FINDINGS FOR THE MODIFICATION RELATED TO BONUS DENSITY (SBMC §28.87.150)

The modification of the number of units allowed on the site to increase from 24 to 56 is appropriate and necessary to construct a housing development which is affordable to very low, low, moderate or middle-income households. The provision of affordable housing and request for bonus density units is consistent with the Zoning Ordinance. The General Plan Land Use Element allows for variations in unit density based on the size of a unit and the occupancy potentials and states that, in some cases, densities in terms of dwelling units per acre may be allowed to increase beyond those limits recommended by the General Plan without causing an inappropriate increase in the intensity of activities. Further, the trend to develop higher density development downtown is encouraged because of the proximity to jobs, transit, and recreation/cultural activities. The project will provide 55 residential units for very low income residents and is consistent with the City's Affordable Housing Policies. This density will allow the applicant to secure an affordable housing project serving the needs of very low income residents that is appropriate for the site.

B. FINDINGS FOR THE MODIFICATION RELATED TO THE FRONT, INTERIOR AND REAR YARD SETBACKS (SBMC §28.21.060)

The proposed front, interior and rear yard setback modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary construct this affordable housing project. The intent of yard setbacks in terms of buffering adjacent land uses is met by the adjacent parking lot and walkways that surround the proposed development. Additionally, the design of the project and its size, bulk, and scale appears to be appropriate for the neighborhood. Staff is supportive of these encroachments because it allows for uniformity of improvement because the proposed setback encroaches less into the front yard than other adjacent buildings.

C. FINDINGS FOR THE MODIFICATION RELATED TO PARKING (SBMC §28.90.100(G)(3))

The modification to provide 40 parking spaces instead of the required 74 parking spaces will not be inconsistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area because: (1) The project is an affordable City Housing Authority project which will have restricted vehicle ownership through lease agreements with tenants; (2) the project is located in the downtown area and is within walking and cycling distance of many services and places of employment; (3) a bus stop and the transit center within walking distance from the project site; and, (4) there is adequate guest parking on-site that would be available in the evenings and on weekends.

The proposed project would provide affordable housing, targeted to very low income residents, with an emphasis on those with special needs, in the downtown area. The project is located close to downtown employers and services and to the City's transit center. As a result, the project provides an opportunity for its residents to lessen their dependence on the automobile as their primary form of transportation.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Housing Authority Letter
- D. ABR Minutes
- E. Environmental Review Criteria
- F. General Plan Elements

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STAFF HEARING OFFICER CONDITIONS OF APPROVAL

416-424 E. Cota
MST2008-00097
NOVEMBER 19, 2008

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied
1. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the parking area from the adjacent properties.
 2. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 3. **Pedestrian Pathway.** A separate pedestrian pathway shall be provided along the driveway and to the units at the rear of the property from the sidewalk using a different paving material to improve pedestrian friendliness.
 4. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 5. **Crime Analyst Plan Review.** The Developer shall meet with the City Police Department Crime Analyst prior to Preliminary Approval to determine how lighting, locking mechanisms, egress, and fencing can be designed and installed to reduce the potential number of calls for police service from occupants of the Real Property.
 6. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 7. **Permeable Paving.** Incorporate a permeable paving system for the project (driveways, walkways and parking areas) that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
 8. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.

9. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute a written instrument, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer (SHO) on November 19, 2008 is limited to approximately 45,000 square feet of building area, 56 dwelling units and the improvements shown on the Site Plan signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the ABR. Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and

for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.

6. **Rental Housing Restrictions.** For 55 of the 56 dwelling units, the rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low-income units targeted to sixty percent (60%) of Area Median Income (AMI).

The Affordable Units shall be rented and occupied in conformance with the City's adopted AHP&P. The rental rates and tenant selection of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial occupancy of the project.

Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above.

One of the 56 units, as shown on the plans, may be a manager's unit and shall not be subject to rent or income restrictions.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County private covenants or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Garages Available for Parking.** A covenant that includes a requirement that the garage be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - b. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
8. **Use Limitations.** Due to potential traffic and parking impacts, uses other than residential are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
9. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Lot Merger.** The Real Properties known as APN 031-212-024, APN 031-212-027 and APN 031-212-029 shall be merged into one (1) legal lot, following the procedure in the Municipal Code Chapter 27.30.
 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 3. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 4. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
 5. **Cota Street and Olive Street Public Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on E. Cota Street and Olive Street including a new 6 foot wide sidewalk along Cota Street, including transitions to be consistent with the Pedestrian Master Plan section of the Circulation Element and bus shelters at the Cota Street bus stops at Olive Street for the Metropolitan Transit District's Cross Town Shuttle. The C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: two (2) commercial fire hydrants, replacement of Cota Street Sidewalk with 6 foot wide sidewalk including transitions, all remaining cracked and uplifted sidewalk, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, detention, and erosion

protection (provide off-site storm water BMP plan), preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

6. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed "Agreement to Construct and Install Improvements," prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 7. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 8. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor, site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 4. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:

- a. **Affordability Conditions.** Owner shall sign and cause to be recorded against the Property an affordability control covenant, in a form approved by the City Attorney, which requires compliance with the requirements for low income rental units as specified in the City's Affordable Housing Policies and Procedures, with rents targeted as follows:
 - (1) For 55 of the units, the target income percentage shall be sixty percent (60%).
 - (2) The covenant shall require that the Property be owned by a not-for-profit public benefit corporation, and shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.
5. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Archaeologist, the Architect, the Arborist, the Landscape Architect, the Geologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
 1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A. above.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition Number 4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.
4. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
6. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, three bicycle hitching posts or other facilities to accommodate 6 visitors shall be provided near the community center/managers office.
7. **Residential Parking.** Forty parking spaces will be provided for use by the residents, manager and guests. Assignment of parking spaces to residents will be

strictly monitored by the Housing Authority by implementing a program to limit tenant parking, including access to DMV records and on site observations. Residents who choose to own cars and require a parking space on site will be required to pay a parking fee resulting in higher monthly rent.

8. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction. Community Development Department staff shall review the plans and specifications to assure that they are incorporated into the bid documents, such that potential contractors will be aware of the following requirements prior to submitting a bid for the contract.

1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Archaeologist, Architect, Arborist, Landscape Architect, Geologist, Project Engineer, Mitigation Monitors, Contractor and each Subcontractor.
2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the

location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.

3. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

4. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
- During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No

more than three (3) individual parking permits without extensions may be issued for the life of the project.

- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
5. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
- a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
6. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
7. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
8. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
9. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
10. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor's name, telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be

a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
13. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.
5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
6. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the ABR.
7. **Rental Affordability Provisions Approval.** Obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the of the following: (a) the recorded affordability covenant as approved by the City Attorney, (b) the process for selecting the initial residents of the affordable rental units, (c) the eligibility of the initial residents, and (d) the form of the rental agreement used. For projects with senior occupancy requirements or restrictions on the number of motor vehicles per resident, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the recorded implementing document, which assures compliance with the senior housing restriction and/or the restrictions on the number of motor vehicles owned, used, possessed or stored by residents.
8. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
9. **Bus Shelters.** Provide on the plans an inclusion of bus shelters at the Cota Street bus stops at Olive Street for the Metropolitan Transit District's Cross Town Shuttle.
10. **Bicycle Hitching Posts.** Provide three bicycle hitching posts or other facilities to accommodate 6 visitors bike visitors near the community center/managers office.

- H. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the Planning Commission I, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the Planning Commission's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

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RECEIVED

SEP 11 2008

September 11, 2008

CITY OF SANTA BARBARA
PLANNING DIVISION

To:

Development Application Review Team
City of Santa Barbara Planning Department
630 Garden Street
Santa Barbara, CA

Re:

The Artisan Court Housing Complex for
The Housing Authority of the City of Santa Barbara
416-420 East Cota Street & 517 Olive Street
Santa Barbara, CA
APN's 031-212-24, 031-212-27, 031-212-29

MST-2008-00097

Dear Sirs and Madams,

We are submitting for your review this application for a new, approximately 45,000 square foot apartment complex for the Housing Authority of the City of Santa Barbara comprised of 55 studio apartments, one two bedroom apartment, an on grade parking garage, offices, a community room and auxiliary spaces such as laundry and utilities. The project will be two and three stories with an on grade parking garage with additional housing built on top. We are requesting approval from the Staff Hearing Officer for modifications for bonus density for this affordable housing project, reduction in the required parking and side and rear yard encroachments.

The site is located on three parcels; 416 East Cota Street, 420 East Cota Street, and 517 Olive Street, totaling 39,603 square feet. We are proposing a voluntary lot merger for the parcels to be completed prior to building permit issuance. Currently the parcels on Cota Street have existing 20,450 square foot one story commercial buildings and asphalt parking lots, all proposed to be demolished. The Olive Street parcel currently has asphalt parking and landscaping and a curb cut at Olive Street, we are proposing to largely retain the existing parking configuration with new permeable materials and use the existing curb cut as the vehicle access for the proposed project. There is an existing 20' wide drive easement for the benefit of the adjacent property (525 Olive Street) on the Olive Street parcel. The site is zoned C-M and the adjacent properties are all also zoned C-M.

There are no significant trees or other vegetation on the site, but we are proposing to preserve a landscaping island and its tree in the Olive Street parking area. We are also proposing to include a community garden for the tenants of the project on a section of the Olive Street parking area. This garden will be provided as 18"-24" high raised planter beds on top of permeable grade material. A Landscape Plan has been included in this submittal for your review.

We are proposing 55 affordable studio apartments of 406 square feet net each, 14' x 29' interior dimensions for target populations including people transitioning out of homelessness, youths transitioning

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out of foster care, people with mental health issues, and some workforce housing. We are also proposing a 2 bedroom manager's apartment, approximately 1000 square feet of office space for the use of case workers and other needs associated with the project, an approximately 1000 square foot community room for the use of the facility, laundry facilities, and an approximately 13,000 sq ft on grade parking garage for 33 parking spaces and 24 secured bicycle spaces, constructed so that additional housing structures will be built on top of it.

We are requesting a modification to allow for the bonus density proposed. The lot area at 39,603 would allow for one two bedroom (at 2320 sq ft) and 23 studios (at 1600 sq ft), we are proposing one two bedroom and 55 studio apartments. We believe that this modification request is supportable because this is a 100% affordable housing project of small studios (406 net sq ft) and in an already dense commercial zone of the city.

We are also requesting a modification to allow for a reduction in the required number of parking spaces. The project would require 56 parking spaces for the affordable housing units (one per each unit), 14 guest parking spaces (one per four units) and 4 parking spaces for the proposed offices (one per 250 sq ft), totaling 74 spaces. We are proposing a total of 40 parking spaces, 33 covered spaces in the garage and 7 uncovered spaces along the Olive Street parcel where there currently is parking. We are proposing a community garden for a section of the Olive Street parcel that can, if needed in the future, be converted to an additional 5 parking spaces. We believe that this reduction in parking is supportable because the proposed populations for this affordable project typically do not own cars. The Housing Authority will set rental restrictions for car ownership and monitor the tenants and the parking as they have done successfully at their other similar projects. We are including in this submittal a letter from the Housing Authority explaining their parking demands and programs.

We are also requesting a modification to allow the parking garage to encroach into the side and rear yard 6' setbacks. The garage is proposed to be 5'-1" from these property lines. This encroachment allows for the required dimensions for the parking configuration. We believe that this modification request is supportable because this is a C-M zoned area that allows for no setbacks for commercial projects. The encroachment is for the parking garage only and the setback we propose still allows for a landscape buffer for the project

This project was reviewed by the Architectural Board of Review on March 24, 2008 and June 2, 2008. It has received positive comments concerning its size, bulk and scale at these meetings. We have also met with city staff; Jan Hubble, Danny Kato, and Roxanne Milazzo on June 11, 2008. The project team was given direction to not submit for the PRT and that only one DART review would be required prior to the Staff Hearing Officer hearing for the project. We have met informally with city staff to review the project including Chris Hansen, Steve Foley and the counter staff at both public works and the fire department. The current submittal incorporates their comments.

We are submitting for your review a Soils Report, a Phase I Archaeological Report, and a Phase II Environmental Report. Jake Jacobus reviewed the project site on June 23, 2008 and he determined that no Historical Structures Report would be required.

The project site is located in the flood zone and we are proposing to raise the finish grade for the habitable areas approximately 3'-3 1/2' and partially raising the grade under the parking garage to meet the raised grade internal to the site. The garage will slope to meet existing grade at the Olive Street parcel and the adjacent side and rear yards to the garage will be kept at existing grade to allow for the uninterrupted flow of water from neighboring properties. This will require 2000 cubic yards of fill. The finish grade at the Olive

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Street parcel is proposed to be largely unchanged. We are proposing the use of bio swales for the new drainage system along the side and rear yards of the Cota Street parcels and a bioswale at the Olive Street parcel. Grading and Drainage Plans and a Hydrology Report is included in this submittal for your review.

The project requests only one domestic water meter for the entire project. As with its other similar projects, the Housing Authority will not be billing the tenants of this project for utilities and does not require multiple meters as a result. We are proposing a separate irrigation meter and a separate fire sprinkler system.

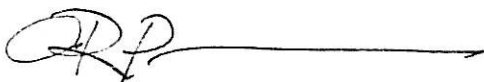
The construction for the project is estimated to last 14 months with one month for demolition and 2-3 months for grading. We propose that the construction staging area will be able to take advantage of the Olive Street parcel parking spaces for the on site trailer and construction crew parking and will use the existing drive and curb cut off of Olive Street for site access. The construction crew will also be able to use the existing parking areas on the Cota Street parcels for equipment and materials storage. Upon completion of the proposed parking garage, the construction crew will be able to use that structure for additional staging. The project team is investigating the use of modular construction for the studio units at the second and third floors. The use of modular construction could reduce the construction time by many months.

We believe that this project provides a tremendous benefit to the city of Santa Barbara, providing much needed affordable housing to populations in need in a project designed to create a sense of community and neighborhood. The project has been designed to be environmentally friendly including photovoltaic panels on the flat roofs, bioswales for the drainage, a community garden, and other sustainable features and materials. The studio apartments have been designed to allow for cross ventilation and natural day lighting by using courtyard planning that allows not only for the light and air in the apartments but also creates a sense of community with a sequence of courtyards and public spaces.

We look forward to working with the city and the community at large to create this project. Please contact us with any questions or if any additional information is needed.

Thank you for considering our request.

Best regards,



Christine Pierron, AIA



Mark Wienke, AIA

2. 416 E COTA ST C-M Zone

Assessor's Parcel Number: 031-212-024

Application Number: MST2008-00097

Owner: City of Santa Barbara

Architect: Christine Pierron

Applicant: Housing Authority of Santa Barbara

Architect: Mark Wienke

(Proposal for a lot merger of three existing lots to create one new 39,603 square foot lot in the C-M Zone. The proposal includes the demolition of an existing 20,450 square foot commercial building and the construction of 56 new affordable studio apartments (450 square feet each) and 1 two-bedroom (1,000 square foot) managers unit for a total of 57 residential units in a mixed one, two, and three-story development. A 1,350 square foot community center, a 900 square foot bike storage facility, and a 450 square foot utility room is also proposed. A total of fifty-two on-grade parking spaces are being provided by 37 covered and 15 uncovered spaces. The project is a City Housing Authority Project and requires Planning Commission review for a requested parking modification, a modification to encroach into required side and rear yard setbacks, and a bonus density modification.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND PLANNING COMMISSION REVIEW OF MODIFICATIONS.)

(Time: 4:34)

Present: Mark Wienke, Architect; Christine Pierron, Architect; Skip Szymanski, Housing Authority, City of Santa Barbara.

Public comment opened at 5:00 p.m.

A letter in opposition from Paula Westbury was acknowledged.

Public comment closed at 5:01 p.m.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) The project is moving in the right direction, especially with the site planning and unit configuration.
- 2) The Board appreciates reviewing of the project in its early stage, and looks for more detailed elevations.
- 3) Provide cross sections through the site.
- 4) The neon application on the tower is not encouraged for compatibility with the location in the city.
- 5) Simplification of the tower element would be a positive direction.
- 6) The Cota Street elevation should relate more to the location's Italian history. Study the application for use of materials common to that era.
- 7) A less varied architectural style throughout the project is encouraged.
- 8) The Board looks forward to the detailing of the project to enlighten the architecture.
- 9) The Board looks forward to viewing all main elevations with project sections.
- 10) Study opportunities to provide light and/or greenery into the garage level and the plinth level deck above.

Action: Mudge/Mosel, 6/0/0. Motion carried. (Aurell absent. Wienke stepped down.)

CONCEPT REVIEW - CONTINUED ITEM**1. 416 E COTA ST****C-M Zone****(3:50)**

Assessor's Parcel Number: 031-212-024
Application Number: MST2008-00097
Architect: Christine Pierron
Applicant: Housing Authority of Santa Barbara
Architect: Mark Wienke
Owner: City of Santa Barbara

(Proposal for a lot merger of three existing lots to create one new 39,603 square foot lot in the C-M Zone. The proposal includes the demolition of an existing 20,450 square foot commercial building and the construction of 56 new affordable studio apartments (450 square feet each) and 1 two-bedroom (1,000 square foot) managers unit for a total of 57 residential units in a mixed one-, two-, and three-development. A 1,350 square foot community center, a 900 square foot bike storage facility, and a 450 square foot utility room is also proposed. A total of fifty-two on-grade parking spaces are being provided by 37 covered and 15 uncovered spaces. The project is a City Housing Authority Project and requires Planning Commission review for a requested parking modification, a modification to encroach into required side and rear yard setbacks, and a bonus density modification.)

(Second Concept Review. Comments only; project requires environmental assessment and Planning Commission review of requested modifications.)

Actual time: 4:05

Present: Mark Wienke, Architect; Christine Pierron, Architect.

Public comment opened at 4:40 p.m.

Rich Untermann, Transition House, in support of the project.

Public comment closed at 4:41 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board with the following comments:

- 1) The requested modifications are supportable as they do not negatively impact the design.
- 2) The Board would prefer to keep the parking garage tree well and maintain a mature tree in the second-level court.
- 3) The Board is pleased with the parking arrangement and layout off of Olive Street.
- 4) Redesign or omit the middle tower.
- 5) Restudy the metal design of the tower on the corner of the building near the parking off of Olive Street.
- 6) The massing and scale of the project is appreciated. Continue refinement of details and character.
- 7) The Board looks for further design of the wall at the front elevation and forecourt as well as the openness of the Cota Street elevation. Incorporate landscaping in that area.
- 8) Study the tile sloped roof at the front elevation to blend the character and design with the rest of complex.
- 9) Study opening or eliminating the bridges at the upper level.

Action: Zink/Aurell, 6/0/0. Motion carried. (Wienke stepped down.)

**ENVIRONMENTAL REVIEW CRITERIA
EXHIBIT E**

- A. THE PROJECT IS CONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION REGULATIONS.**

The General Plan designation for this area is Offices & Commercial. There are several General Plan policies as well as zoning regulations that apply to the project. These are discussed under the General Plan and Zoning Ordinance Consistency sections of this report. Planning Staff's conclusion is that the project is consistent with the General Plan Land Use Designation, Zoning designation, and applicable policies and regulations.

- A. THE PROPOSED DEVELOPMENT OCCURS WITHIN CITY LIMITS ON A PROJECT OF NO MORE THAN FIVE ACRES SUBSTANTIALLY SURROUNDED BY URBAN USES**

This project site is 39,603 square feet and is surrounded by urban uses in all directions.

- B. THE PROJECT SITE HAS NO VALUE AS HABITAT FOR ENDANGERED, RARE OR THREATENED SPECIES.**

The site has been previously disturbed and has no value as habitat for endangered, rare or threatened species.

- C. APPROVAL OF THE PROJECT WOULD NOT RESULT IN ANY SIGNIFICANT EFFECTS RELATING TO TRAFFIC, GEOPHYSICAL, NOISE, AIR QUALITY, OR WATER QUALITY.**

Traffic

The City's Transportation Staff has reviewed the project and performed a preliminary trip generation analysis. The proposed replacement of the existing office building with the project results in a reduction of 28 average daily trips, 30 am peak hour trips (PHT) and 28 pm PHT. No new traffic trips will result for the proposed project compared to the approved existing use. No further studies will be required at this time.

Geophysical Conditions

The project sites are located in areas subject to high liquefaction hazard. These areas generally are characterized by high groundwater and poorly consolidated soils that are susceptible to liquefaction during major earthquakes. Additionally, the high groundwater conditions may result in design considerations and adverse construction conditions should grading and construction require dewatering of if underground portions of the development would be subject to permanent groundwater intrusion and pressure. A full soils and geologic report will be required for the project

and all grading and foundation recommendations shall be followed in order to reduce any potential impacts to less than significant levels.

Hazards

Although a Phase II Site Assessment was prepared for the site to evaluate whether shallow groundwater beneath the subject site was impacted by chlorinated solvents detected at nearby sites, no contamination was found and the project site is not on any lists for known contaminated soils, groundwater, or hazardous materials use. Further testing will be performed prior to construction to determine if any hazardous conditions exist. If contamination is found, all recommendations shall be followed in order to ensure that there will be no impacts from the project related to these hazards.

Noise

The proposed project is not anticipated to have significant long-term noise impacts. Demolition of the existing building and construction of the proposed project are anticipated to result in use of heavy equipment. Noise during construction is generally intermittent and sporadic and, after completion of initial grading and site clearing activities, tends to be quieter. Construction noise is limited by City ordinance to the hours between 7:00 a.m. and 8:00 p.m. daily for noise generating activities that would increase noise levels at the nearest residential property line by 5 decibels. Noise generated during project construction activities would result in a less than significant short-term adverse impact to sensitive receptors in the area. These impacts would be further reduced by limiting construction hours and utilizing equipment mufflers.

Air Quality

This project will not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. Due to the fact that the project will result in a reduction of traffic and would only allow a limited number of vehicles, it is expected there would be less than significant air quality impacts from mobile source emissions.

The project will involve grading, paving and landscaping activities which could result in short term dust related impacts; however, the applicant would be required to incorporate standard dust control mitigation measures during grading and construction activities. These measures are included as Conditions of Approval.

Water Quality

A Master Drainage Study was prepared by Erie & Van Sande. Two buildings and pavement currently cover the entire project site and the drainage runoff flows from Cota for a small portion and Olive Street for the majority. An existing drainage inlet at the Olive Street entrance is tied

to a catch basin in Olive Street by an 8" pipe. The inlet and pipe have been cleaned out and will be utilized with the revised site. Offsite flows from the adjacent parking area will be allowed to flow into the site thru a bioswale and out the existing Olive Street drain. Extensive bioswales are proposed to treat post development flows from the site and two new discharge pipe outlets are proposed to drain to Cota Street.

Archaeological Resources

The subject site is located in the Prehistoric Watercourse, Spanish/Mexican Period; the Hispanic-American Transition Period, 1850-1870; the American Period 1870-1900; and the Early 20th Century, 1900-1920 cultural sensitivity zones. A Phase 1 Cultural Resources Report assessing potential impacts to any historic or archaeological resources was required and approved by the Historic Landmarks Commission.

The Phase I Archaeology Report records research found no prehistoric or historic archeological sites recorded within the property. The Archaeology Report noted that based on the generally good ground visibility and the absence of any prehistoric remains identified in the survey, the potential for buried prehistoric resources within the project site is considered low. Due to the existence of nearby historic archaeological remains in the area, the project site is considered sensitive. Per City MEA procedures, if any artifacts, features or deposits of historic or prehistoric nature are encountered, work shall be halted immediately, and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are limited to, redirection of grading and/or excavation activities, consultation with a Barbareno Chumash representative from the most current City Qualified Barbareno Chumash Site Monitors List.

D. THE SITE CAN BE ADEQUATELY SERVED BY ALL REQUIRED UTILITIES AND PUBLIC SERVICES.

All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant demand for public services, including police, fire protection, electrical power, natural gas and water distribution and treatment.

**GENERAL PLAN CONSISTENCY
EXHIBIT F**

Land Use Element

The Land Use Element of the General Plan divides the City into neighborhoods. The project site is located in the Laguna neighborhood of the General Plan. This neighborhood is characterized as containing extensive commercial and residential uses. The General Plan recognizes the transition of this neighborhood to higher-density residential and commercial uses. The Land Use Element considers the Laguna neighborhood to be appropriate for apartment development given its close proximity to the downtown business and shopping areas.

The project site has a General Plan Land Use Designation of Offices and Commercial which allows for residential land uses that comply with the R-3 zone development standards. The proposed project would result in a density of 103 units per acre. The General Plan Land Use Element allows for variations in unit density based on the size of a unit and the occupancy potentials. The General Plan Land Use Element states that, in some cases, densities in terms of dwelling units per acre may be allowed to increase beyond those limits recommended by the General Plan without causing an inappropriate increase in the intensity of activities. This discussion provides the Land Use Element basis for the City's Zoning Ordinance variable density provisions and the City's bonus density program described in the Housing Element.

The variable density provisions would allow a maximum of 24 dwelling units on this site. However, State bonus density provisions would allow a bonus density of 25 percent resulting in a maximum of 30 dwelling units on this site without requiring a lot area modification. Projects that propose more than a 25 percent bonus density are required to request a lot area modification. Under affordable housing provisions, the project is eligible for the City's bonus density program, which allows for densities greater than those specified in the Zoning Ordinance. In this case, the applicant is requesting a bonus density of 135 percent.

Housing Element

The City Housing Element encourages the use of bonus density units as a means to provide affordable housing for low-income individuals, seniors, homeless people, and other special needs households. In particular, the following Housing Element Goals, Policies and Implementation Strategies state:

Goal 1: "Ensure a full range of housing opportunities for all persons regardless of economic group, race, religion, sex, marital status, sexual orientation, ancestry, national origin or color. The City shall place special

emphasis on providing housing opportunities for low income, moderate income and special housing needs."

Goal 4: "Through the public and private sector, assist in the production of new housing opportunities which vary sufficiently in type and affordability to meet the needs of all economic and social groups, with special emphasis on housing that meets the needs of low income, moderate income and special needs households."

Policy 4.1: "Pursue all opportunities to construct new housing units that are affordable to low- and moderate-income owners and renters."

Policy 4.2: "Apply for, or support others in applying for, all available public and private funding and financial assistance for affordable housing projects."

Policy 4.3: "Given limited remaining land resources, the City shall concentrate efforts to develop housing on vacant infill sites and redevelopment of opportunity sites in commercial and residential zones with priority for commercial and mixed-use development."

Policy 5.2: "Implement changes to development standards to be more flexible for housing projects, especially rental or affordable housing projects, where appropriate."

The Housing Element encourages the use of bonus density units as a means to provide affordable housing as illustrated in the above quoted goals and policies. However, the Housing Element recognizes the importance of balancing the provision of new affordable housing with the need to be compatible with the existing surrounding development. Housing Element Policy 2.8 states:

New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on street parking resources of existing residential neighborhoods shall not be permitted, unless findings of overriding consideration can be made.

The project's anticipated effect on the area's parking supply is discussed above under Environmental Review and below under Parking Modification.

The Architectural Board of Review has conceptually reviewed the project and commented that generally the size, bulk, and scale appears to be appropriate for this site.

The project would be three stories in height. The third story element is proposed towards the front and middle of the site. The proposed maximum height of the third floor areas is 40 feet above grade, which is well below the 60-foot height limit in the C-2 zone and the 45-foot height limit in the R-3 zone. The surrounding neighborhood is characterized by one and two story commercial businesses. To the east of the site is a two story commercial building. The building immediately west of the project site is a one story commercial building. On the other side of that property, to the south, are one story commercially zoned properties. Although the subject building does have a third story element, the building does not appear to be out of character with this area. Staff supports the size, bulk, and scale of the building is appropriate for this site.

Circulation Element

The Circulation Element contains goals and policies that promote housing in and adjacent to the downtown to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1, on page 13-4, encourages "the development of projects that combine and locate residential uses near areas of employment and services."

In summary, the proposed project appears to be supported by the goals, policies, and implementation strategies in the Land Use, Housing, and Circulation Elements of the General Plan. The proposed project would provide bonus density units in excess of the levels required by State law and would constitute an in-fill affordable housing project in an existing multiple family neighborhood within close proximity of the City's downtown area. Given these factors, the proposed project appears to be consistent with the General Plan.